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OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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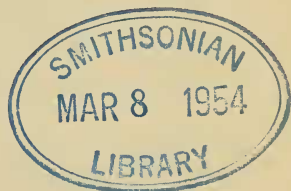
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 204

Determination of the species eligible to be selected as the type species of the nominal genera established by Koch (C.L.) in the portions of the work entitled *Deutschlands Crustaceen, Myriapoden und Arachniden* published in the period 1835-1842



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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OPINION 204

DETERMINATION OF THE SPECIES ELIGIBLE TO BE
SELECTED AS THE TYPE SPECIES OF THE NOMINAL
GENERA ESTABLISHED BY KOCH (C.L.) IN THE
PORTIONS OF THE WORK ENTITLED "DEUTSCH-
LANDS CRUSTACEEN, MYRIAPODEN UND
ARACHNIDEN" PUBLISHED IN THE PERIOD
1835—1842

RULING :—(1) In accordance with the principle illustrated by the decision given in *Opinion* 30, the generic names published for the first time by Koch (C.L.) in *Hefte* of the work *Deutschlands Crustaceen, Myriapoden und Arachniden* during the period 1835—1842, when forming new specific names for previously unnamed species are available as from the date of being so published and the type species of such a genus is determined under Rules (b), (c) and (d) in Article 30, where, as the case may be, an originally included species (i) bears the specific name *typus* or *typicus* or (ii) is the sole species so included, or (iii) bears a specific name which is tautonymous with the generic name, and, in other cases, under Rule (g) in that Article. (2) The reference in the last paragraph of the *Vorwort* to the *Erste Abteilung* of the third volume (*Drittes Heft*) of the *Uebersicht des Arachnidensystems* (published in 1842) to the single species figured in that volume for each genus as *Typus dienend* is to be accepted as constituting a selection of that species to be the type species of that genus under Rule (g) in Article 30. (3) In the case of a genus, the name of which was first published in the *Deutschlands Crustaceen*, the type selection made for that genus by Koch in the *Uebersicht* in the manner specified in (2) above is a valid selection only (a) when the genus in question was not monotypical when first named and did not contain a

species having, as a specific name, either the word *typus* or *typicus* or a word which was tautonymous with the generic name, and (b) when the species so selected was one of the species referred to the genus in the *Hefte* of the *Deutschlands Crustaceen* in which the generic name was first published, or, where two or more *Hefte* were published simultaneously and the generic name appeared in more than one of these *Hefte*, one of the species so referred in any of these *Hefte*. (4) If, on applying the foregoing decisions, specialists are of the opinion that the adoption, as the type species of any given genus, of the species so determined as such would lead to instability and confusion in the nomenclature of the group concerned, it will be open to those specialists to submit an application to the Commission for the use of the Plenary Powers. (5) The works by Koch entitled *Deutschlands Crustaceen* and *Uebersicht des Arachnidensystems* referred to in (1) and (2) above are hereby placed on the *Official List of Works Approved as Available in Zoological Nomenclature* as Works Nos. 1 and 2.

I.—THE STATEMENT OF THE CASE

On 24th November 1928 the late Dr. Arthur P. Jacot (*Shantung Christian University, Department of Biology, Tsinan, Shantung, China*) submitted the following application, which, as explained in paragraph 5 below, was published many years later in the *Bulletin of Zoological Nomenclature* :—

ON THE VALIDITY OF THE GENOTYPES DESIGNATED BY KOCH (C.L.), 1837-1842, *ÜBERSICHT DES ARACHNIDEN-SYSTEMS*, FOR GENERA, THE NAMES OF WHICH HAD BEEN FIRST PUBLISHED BY THAT AUTHOR IN 1835-1842, *DEUTSCHLANDS CRUSTACEEN, MYRIAPODEN UND ARACHNIDEN*

By the late ARTHUR P. JACOT
(Commission's reference Z.N.(S.) 90.)

In 1835-1844* Carl Ludwig Koch published his "Deutschlands Crustaceen, Myriapoden und Arachniden" at Regensburg, for the exact dates of which see Sherborn, 1923, *Ann. Mag. nat. Hist.* (9) 11 : 566—568. This was immediately reprinted by George Wolfgang Panzer as part of his "*Faunae Insectorum Germanicae initia* oder Deutschlands Insecten".

In the above work are described many species under generic names never before published.

Under date of 1837 to 1842, Koch in his "Übersicht des Arachnidensystems" arranged these various species under the generic names, describing and sub-dividing the genera and assigning one figured species to act as type. This he clearly stated in the last paragraph of the preface to volume 3 ("Vorwort zum dritten Uebersichtheft") published in 1842, where the following passage occurs :—

Die Gattungsbezeichnungen beschäftigen sich nur mit den äusserlich sichtbaren Merkmalen, auch geben die solchen beigefügten Figuren, als Typus dienend, bloss ein getreues Bild irgend einer Art der betreffenden Gattungen und der mit einfachem Microscop zu erkennenden Charaktere.

* Koch's *Deutschlands Crustaceen, Myriapoden und Arachniden* was published in parts between 1835 and 1844. His *Übersicht des Arachnidensystems* was published in 5 Hefte between 1837 and 1850. The case submitted to the International Commission relates only to the types of genera established by Koch in the portion of the *Deutschlands Crustaceen, Myriapoden und Arachniden* prior to the designation of types for those genera in 1842 in his *Übersicht des Arachnidensystems*. Accordingly, for the purposes of the present application the terminal date of publication for both these works is 1842 and is so given above.

Some authors have used as types the species first mentioned under a generic name, as though the genus was monotypic. Koch evidently had no intention of these species being so used but intended to designate the types of the genera himself in the *Übersicht* (as he ultimately did do). As the genera were not defined or characterised in the "Deutschlands Crustaceen, Myriapoden und Arachniden", where the generic term was merely used for the species concerned as part of the scientific name of the species concerned, the acceptance of these genera as monotypic as from the date of their publication in the above work hardly seems consistent with the author's idea or with customary usage.

I would therefore request the Commission to render an *Opinion* on the validity of Koch's types as appointed by him in the last paragraph to the Foreword of his *Übersicht* published in 1842.

II.—THE SUBSEQUENT HISTORY OF THE CASE

2. In a letter dated 1st March 1929 the then Secretary (the late Dr. C. W. Stiles) informed Dr. Jacot that he proposed to invite the International Committee on Entomological Nomenclature to advise on this case. He added that in his view the problem submitted was likely to give rise to a "very close decision between an anatomical norm and a nomenclatorial type".

3. In response to the letter which Dr. Stiles had addressed to him, as Chairman of the foregoing International Committee, Dr. Karl Jordan (*Zoological Museum, Tring, Herts, England*) in a letter dated "Easter 1929" expressed the view that the Committee of which he was the Chairman, having been appointed by the International Congress of Entomology and being concerned only with the names of insects, was not in a position to consider Dr. Jacot's application which related to a book dealing with Crustacea, Myriapoda and Arachnida.

4. No progress had been made with the consideration of this case by the time that in 1938 the papers relating to it and other current cases were transferred to the care of Mr. Francis Hemming who in October 1936 had been elected Secretary to the Commission on the retirement of Dr. Stiles. On receipt, the documents

relating to this case were given the Registered Number Z.N.(S.)90. It had not been found possible to take any action on this application when in September 1939 the records of the Commission were evacuated from London to the country as a precaution against the risk of destruction through air raids. The Secretariat of the Commission in London was re-opened in 1942 and steps were immediately taken to establish the *Bulletin of Zoological Nomenclature* as a means for bringing to the attention of zoologists applications submitted to the Commission for decision. Work was at once started on outstanding applications with a view to arranging for their publication in the newly established *Bulletin*. When work was resumed on the present case, the Secretary (Mr. Hemming) placed the following note on the file :—

Dr. Jacot's application on Koch's "Deutschlands Crustaceen . . ."

Dr. Jacot raises two points, namely (1) Are the type selections alleged to have been made by Koch in his *Uebersicht des Arachniden-systems* of 1842 for genera previously established by himself in his *Deutschlands Crustaceen*, etc., to be accepted as complying with the requirements of Rule (g) in Article 30? (2) Where the species so "selected" in the *Uebersicht* was not included by Koch when he established the genus in question in the *Deutschlands Crustaceen*, is that selection nevertheless to be accepted? Dr. Jacot argues in favour of the acceptance of the "selections" in the *Uebersicht*, even where the species so selected was not included in the genus in question when it was first established.

It seems to me that it is essential that the two questions raised by Dr. Jacot should be kept entirely distinct, for they raise quite different issues. As regards his Question No. (1), it would seem to me to be reasonable to agree that Koch's action in the *Uebersicht* amounts to a selection under Rule (g) in Article 30. As regards his Question No. 2, it seems to me that the only possible answer is "No". The case is rather like that of the Swainson bird generic names dealt with by the Commission in *Opinion* 30. In that case Swainson certainly did not intend that his action in the *Philosophical Magazine* should be taken as defining the species to be regarded as originally included species for the new genera to which he then assigned the species there described. Nevertheless, it was, in fact, the first place where these generic names were published, and, as the Commission ruled in the foregoing *Opinion*, the species there placed in the new genera are the only originally included species for those genera. In the case dealt with in *Opinion* 30, Swainson placed only one species each of his new genera, and, under the ruling given in that *Opinion*, those species therefore became the type species of the genera concerned, but the principle involved is exactly the same in cases where, as in the case of

Koch, two or more species were cited on the first occasion on which the generic name was used (i.e. in the *Deutschlands Crustaceen*) but those species did not include the species later "selected" as the type species in the *Uebersicht*.

It is implied by Dr. Jacot but not clearly stated that a ruling in the foregoing sense would upset current nomenclatorial practice through the changing of the type species of well-established genera. Such a situation is always possible when workers have been following divergent practices and an authoritative ruling is given declaring one of those practices to be right and the other wrong. In order to minimise the ill effects of such a disturbance, it would, I think, be well if the Commission were to make it clear that it recognises the foregoing possibility and is prepared to deal individually with hard cases under its Plenary Powers on the submission by specialists of evidence of the instability and confusion likely otherwise to arise.

5. Dr. Jacot's application was sent to the printer in September 1944 but, owing to difficulties arising from paper rationing, shortage of labour at the printing works and similar causes it was not until 26th June 1946 that publication actually took place (Jacot, 1946, *Bull. zool. Nomencl.* **1**: 161).

III.—THE DECISION OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. The present application was considered by the International Commission on Zoological Nomenclature at the Thirteenth Meeting of its Paris Session held at the Sorbonne in the Amphithéâtre Louis-Liard on Monday, 26th July 1948 at 1730 hours. The following is an extract from the portion of the Official Record of the Proceedings of the International Commission setting out the decision reached by it in regard to this case at the foregoing meeting (Paris Session, 13th Meeting, Conclusion 19) (1950, *Bull. zool. Nomencl.* **4**: 372—375):—

THE COMMISSION agreed:—

- (1) that, in accordance with the principle illustrated by the decision given by the Commission in *Opinion 30*, the

generic names published for the first time by Koch (C.L.) in *Hefte* of the work *Deutschlands Crustaceen, Myriapoden und Arachniden* during the period 1835—1842, when forming new specific names for previously unnamed species are available as from the date of being so published and the type species of such a genus is determined under Rules (b), (c) and (d) in Article 30, where, as the case may be, an originally included species (i) bears the trivial name *typus* or *typicus*, or (ii) is the sole species so included, or (iii) bears a trivial name which is tautonymous with the generic name and in other cases under Rule (g) in that Article ;

- (2) that the reference in the last paragraph of the "Vorwort" to the *Erste Abt eilung* of the third volume (*Dritte Hefte*) of the *Übersicht des Arachnidensystems* (published in 1842) to the single species figured in that volume for each genus as "Typus dienend" is to be accepted as constituting a selection of that species to be the type species of that genus under Rule (g) in Article 30 ;
- (3) that, in the case of a genus, the name of which was first published in the *Deutschlands Crustaceen*, the type selection made for that genus by Koch in the *Übersicht* in the manner specified in (2) above is a valid selection only (a) when the genus in question was not monotypical at the time when it was first named and did not contain a species having as a trivial name either the word *typus* or the word *typicus* or a word which was tautonymous with the generic name, and (b) when the species so selected was one of the species referred to the genus in the *Hefte* of the *Deutschlands Crustaceen* in which the generic name was first published or, where two or more *Hefte* were published simultaneously and the generic name appeared in more than one of these *Hefte*, one of the species so referred in any one of these *Hefte* ;
- (4) that if, on applying the foregoing decisions, specialists are of the opinion that the adoption as the type species of any given genus of the species so determined as such would lead to instability and confusion in the nomenclature of the group concerned, it was open to those specialists to submit an application to the Commission

for the use of the Plenary Powers and the Commission, on receiving such an application supported by adequate particulars relating to the name in question and the grounds on which instability and confusion was apprehended, could then judge whether or not the Plenary Powers should be used to vary the type species of the genus in question ;

- (5) to render an *Opinion* recording the decisions specified in (1) to (3) above, reference being made at the same time to the decision recorded in (4) above.

7. The decision taken in the present case was reported to, and approved by, the Section on Nomenclature of the Thirteenth International Congress of Zoology, Paris, 1948, at its Fifth Meeting held on 26th July 1948 (1950, *Bull. zool. Nomencl.* 5 : 106).

8. At its meeting held at Copenhagen in August 1953, the Fourteenth International Congress of Zoology decided to insert a provision in the *Règles* establishing an "Official List" to be styled the *Official List of Zoological Works Approved as Available for Zoological Nomenclature* and directing the insertion therein of the title of any work which the International Commission on Zoological Nomenclature might either validate under its Plenary Powers or declare to be an available work, together with any supplementary decisions which the International Commission might take in regard to any aspect of the work in question (1953, *Copenhagen Decisions zool. Nomencl.* : 24). Since the foregoing decision applies to past, as well as to future, decisions by the International Commission in cases of this kind, the opportunity presented by the preparation of the present *Opinion* has been taken to record the insertion in the foregoing *Official List* of the title (a) of Koch's *Deutschlands Crustaceen, Myriapoden und Arachniden*, together with particulars of the decision in regard thereto set out in the present *Opinion*, and (b) of the title of the same author's *Uebersicht des Arachnidensystems*.

9. The Ruling given in the present *Opinion* was concurred in by the sixteen (16) Commissioners and Alternate Commissioners

present at the Paris Session of the International Commission, namely :—

Beltrán *vice* Cabrera ; Boschma ; Bradley ; di Caporiacco ; Hemming ; Hindle *vice* Jordan ; Jorge *vice* do Amaral ; Kirby *vice* Stoll ; Lemche *vice* Dymond ; Mansour *vice* Hankó ; Metcalf *vice* Peters ; Riley *vice* Calman ; Rode ; Spärck *vice* Mortensen ; van Straelen *vice* Richter ; Usinger *vice* Vokes.

10. The Ruling given in the present *Opinion* was dissented from by no Commissioner or Alternate Commissioner present at the Paris Session.

11. At the time of the adoption of the Ruling given in the present *Opinion*, the expression prescribed for the second portion of the binomen which constitutes the scientific name of a species was the expression “trivial name”. Under a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953, the expression “specific name” was substituted for the expression “trivial name”.

12. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

13. The present *Opinion* shall be known as *Opinion* Two Hundred and Four (204) of the International Commission on Zoological Nomenclature.

DONE in London this Eighteenth day of November, Nineteen Hundred and Fifty-Three.

*Secretary to the International Commission
on Zoological Nomenclature.*

FRANCIS HEMMING

